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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,075

09/30/2003

Brent Dalmas Nelson

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EXAMINER

COUGHLIN, PETER D

ART UNIT

PAPER NUMBER

2129

MAIL DATE

DELIVERY MODE

01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/675,075

Applicant(s)

NELSON ET AL.

Examiner

Peter Coughlan

Art Unit

2129

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


JOSEPH P. HIRL
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Concerning the 35 U.S.C. §112

The examiner did not state that there were not enough references using 'internal consistency' and 'taxonomy'. The Examiner stated that there were only 2 examples in the Patent office database thus indicating these are relative terms and not acceptable terms and not used within the art. There is no measure of 'consistency' stated.

"The term 'higher order language' was a typographical error. It should have been just 'higher order' which is still not defined within the specification.

Concerning the 35 U.S.C. §101

The invention falls short in stating what the purpose of the invention is. The applicant states that each claim produces 'an integrated enterprise taxonomy.' What does 'an integrated enterprise taxonomy' do?

In regards to using 'Wikipedia is not an MPEP reference.' This is in response to the applicant suggestion that the Examiner should use 'Wikipedia' to help interrupt the claims meanings and the specification's shortcomings. Thus the response 'Wikipedia is not an MPEP reference.'

The applicant fails to state a real world, practical application of 'an integrated enterprise taxonomy' and remains in the domain of the abstract. In 0007 the specification states that 'an intellectual capital management system may...'. 'May' is not a definite term and paragraphs 0007 through 0009 are still vague in the invention's purpose.

Concerning the 35 U.S.C. §102 rejection.

Applicant claims that Schmitz does not teach or suggest 'claimed enterprise community models' or 'extracting a plurality of local taxonomies'. 'Enterprise community models' of applicant is equivalent to 'taxonomy description' of Schmitz. 'Extracting' of applicant is accomplished by the 'transaction engine' which 'extracts the client identifier inserted by the request normalizer and the taxonomy description.' (Schmitz, 0037) Applicant claims that there is no suggestion of a plurality of local taxonomies, but in 0037 indicates a 'taxonomy database.'

Applicant claims that Schmitz does not teach or disclose 'correlating a set of topics and a set of associations from each of a plurality of local taxonomies.' 'Topics' of applicant is equivalent to 'category' of Schmitz. 'Set of associations' of applicant is equivalent to 'attributes' of Schmitz. (Schmitz, 0029;)

Applicant states that Schmitz does not teach 'synonym links.' 'Natural language' taxonomy can be used to make 'synonym links' of the 'attribute value' (a superset of category) of Schmitz. (Schmitz, 0027 and 0029) Per Schmitz, 'natural language taxonomy can provide a more intuitive and human readable description of computing resources. The taxonomy may be defined an appropriate description of attribute-value pairs....'. This fulfills a 'synonym link' requirement of applicant.

'The applicant states that 'Further, even if it were true that the Examiner makes the hindsight observation that something "could" have been done in Schmitz only illustrates that Schmitz does not in fact make any such teachings or suggestions.' The word 'could' was introduced and used only by the applicant and not the Examiner.

Schmitz is a method for using a natural language taxonomy. These are equivalent to synonym links.

Applicant states there is no teaching of 'exporting an integrated enterprise taxonomy into an intellectual capital management system.' This is in the preamble of the claim and thus given little weight. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Rohie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951)..